

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Vanessa Hsei et al.

Serial No.: 09/234,182

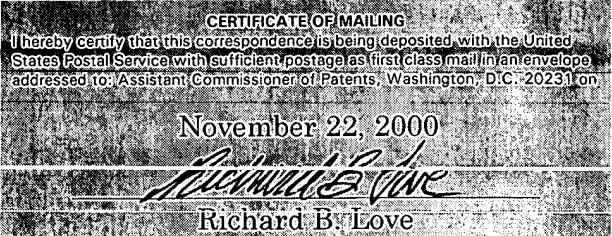
Filed: 20 January 1999

For: ANTIBODY FRAGMENT-
POLYMER CONJUGATES AND
HUMANIZED ANTI-IL-8
MONOCLONAL ANTIBODIES



Group Art Unit: 1644

Examiner: M. DiBrino



THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This application is related to co-pending application U.S. Serial No. 08/804,444 filed February 21, 1997, co-pending application U.S. Serial No. 09/012,116 filed January 22, 1998, now abandoned, co-pending application U.S. Serial No. 09/026,985 filed February 20, 1998, now granted as U.S. Pat. No. 6,133,426 co-pending application U.S. Serial No. 09/027,449 filed February 20, 1998, now granted as U.S. Pat. No. 6,025,158, co-pending application U.S. Serial No. 09/121,952 filed July 24, 1998, co-pending application U.S. Serial No. 09/122,513 filed July 24, 1998, now abandoned, co-pending application U.S. Serial No. 09/234,340 filed January 20, 1999, co-pending application U.S. Serial No. 09/254,909 filed March 16, 1999, co-pending application U.S. Serial No. 09/355,014 filed July 21, 1999, and co-pending application U.S. Ser. No. 09/489,394 filed January 21, 2000.

On or about May 21-25, 1995, a poster entitled "Site-Specific Coupling of Monomethoxypoly(ethylene glycol) to a Single-Sulfhydryl Humanized Fab" naming as authors Gerardo

Zapata, Dorothy Bates, Monika Schoenhoff, Jim Deveney, Steve Frie, Brad Snedecor, Paul Carter and Steven M. Chamow was presented at a poster session of the American Society for Biochemistry and Molecular Biology FASEB Meeting held on May 21-25, 1995. All of the information that was disclosed in the aforementioned poster is contained in a 27 page reproduction of the poster enclosed with the present Information Disclosure Statement.

On February 23, 1997, a poster entitled "Humanization of Murine 6G425: An Anti-IL-8 Monoclonal Antibody which Blocks Binding of IL-8 to Human Neutrophils" naming as authors Tania N. Gonzalez, Steven R. Leong, Rhona Kabakoff, Caroline Hebert and Leonard G. Presta was presented at a poster session of the 1996 Keystone Symposia on Exploring and Exploiting Antibody and Ig Superfamily Combining Sites held on February 23-24, 1996. All of the information that was disclosed in the aforementioned poster is contained in a 21 page reproduction of the poster enclosed with the present Information Disclosure Statement.

On or about July 25-29, 1998, an abstract entitled "Tailoring Antibody Fragments with PEGylation without Loss in Biological Activity" naming as authors Iphigenia L. Koumenis, Gerardo Zapata, Steve Leong, Vanessa Hsei and Zahra Shahrokh was presented at The Protein Society 12th Symposium held on July 25-29, 1998. The abstract was published in Protein Science, 7(Suppl. 1):73 (July, 1998), Abstract #109-M, a copy of which is enclosed with the present Information Disclosure Statement.

This Information Disclosure Statement is filed in accordance with the provisions of:

37 CFR §1.97(b)

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

37 CFR §1.97(c)

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

37 CFR §1.97(d)

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e); as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

37 CFR §1.97(e) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449

(Modified):

A copy of each of the items on the attached revised Form PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. , filed and relied upon in this application for an earlier filing date under 35 USC §120.

A concise explanation of relevance of the items listed on PTO-1449 is:

not given

- given for each listed item
- given for only non-English language listed item(s) [Required]
- in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not

be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

Date: November 22, 2000

By: 

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PATENT TRADEMARK OFFICE

